

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|---------------------------|---|---|--|
| Investigator: Jacqueline Levy(F) | Team: Team # 5 | CCRB Case #: 201105413 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 04/20/2011 11:00 PM | Location of Incident: 111-08 Merrick Boulevard | Precinct: 113 | 18 Mo. SOL 10/20/2012 | EO SOL 10/20/2012 | |
| Date/Time CV Reported Mon, 04/25/2011 6:08 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 04/28/2011 3:08 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|---------------------------|--------|--------|---------|
| 1. POM James Zozzaro | 28340 | 942747 | 113 PCT |
| 2. POM Aaron Lohman | 07378 | 942071 | 113 PCT |
| 3. POM Jason Zummo | 11153 | 939739 | 113 PCT |
| 4. POM Jeronnie Glanville | 07529 | 941818 | 113 PCT |
| 5. SGT Greg Vallerugo | 02315 | 927621 | 113 PCT |
| 6. An officer | | | 113 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.SGT Greg Vallerugo | Abuse: Sgt. Greg Vallerugo supervised the stop of § 87(2)(b) | |
| B.SGT Greg Vallerugo | Abuse: Sgt. Greg Vallerugo supervised the frisk of § 87(2)(b) | |
| C.POM Jason Zummo | Discourtesy: PO Jason Zummo spoke obscenely and/or rudely to § 87(2)(b) | |
| D.POM James Zozzaro | Discourtesy: PO James Zozzaro spoke obscenely and/or rudely to § 87(2)(b) | |
| E.POM James Zozzaro | Force: PO James Zozzaro used physical force against § 87(2)(b) | |
| F. An officer | Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b) | |
| § 87(2)(g), § 87(4-b) | | |
| § 87(2)(g), § 87(4-b) | | |
| § 87(4-b), § 87(2)(g) | | |
| § 87(2)(g), § 87(4-b) | | |

Case Summary

On April 25, 2011, § 87(2)(b) filed this complaint with IAB via phone (encl. 4). The complaint was received at the CCRB on April 28, 2011 via log number 11-18685 (encl. 5A-B). On April 20, 2011, at approximately 11:20 p.m., five officers from the 113th Precinct entered 111-08 Merrick Boulevard in Queens where § 87(2)(b) was using the phone. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. Greg Vallerugo supervised the stop of § 87(2)(b)
- **Allegation B – Abuse of Authority:** Sgt. Greg Vallerugo supervised the frisk of § 87(2)(b)
§ 87(2)(g)
- **Allegation C – Discourtesy:** PO James Zummo spoke obscenely and/or rudely to § 87(2)(b)
- **Allegation D – Discourtesy:** PO James Zozzaro spoke obscenely and/or rudely to § 87(2)(b)
§ 87(2)(g)
- **Allegation E – Force:** PO James Zozzaro used physical force against § 87(2)(b)
§ 87(2)(g)
- **Allegation F – Discourtesy:** An officer spoke obscenely and/or rudely to § 87(2)(b)
§ 87(2)(g)
- § 87(2)(g), § 87(4-b)

This case was re-assigned to the undersigned investigator on August 18, 2011 due to Investigator Christopher Curmi's departure from the agency.

Results of Investigation

Civilian Statements

Complainant/victim: § 87(2)(b)

- § 87(2)(b), § 87(2)(b)

Statements to Medical Personnel: § 87(2)(b) Hospital (encl. 6A-D)

On § 87(2)(b), § 87(2)(b) went to the emergency room at § 87(2)(b) Hospital and

consistently stated that he had been punched by a police officer two days prior and was suffering continuing headaches, blurred vision, and dizziness. He reported that his pain level was an eight out of ten. § 87(2)(b) described the headache as the worst of his life.

Statements to IAB

IAB Intake CD (encl. 7A)

On April 25, 2011, § 87(2)(b) reported the incident to IAB. § 87(2)(b) stated that the incident happened on April 20, 2011 at Sunshine Deli at 111th Avenue and Merrick Boulevard in Queens at a time determined by investigation to be 11:20 p.m. He was inside using the store phone. Six plainclothes officers entered the store, including an officer identified through investigation as PO James Zozzaro. An officer asked the store clerk, identified through investigation as § 87(2)(b) if he had given § 87(2)(b) permission to use the phone. § 87(2)(b) answered that he had. An unspecified officer tapped § 87(2)(b) on the shoulder and told him to leave the store. Another officer asked PO Zozzaro if he was going to let § 87(2)(b) go. One officer stood near the door. PO Zozzaro asked § 87(2)(b) for ID. § 87(2)(b) provided two IDs. PO Zozzaro told § 87(2)(b) he should cut his hair, which is in dreadlocks. § 87(2)(b) told PO Zozzaro that he was just jealous that he could not grow his hair like that. PO Zozzaro told § 87(2)(b) to leave the store. § 87(2)(b) said, "Whatever. I told you before, see me without your uniform." PO Zozzaro said, "I'm here right now, motherf-er." PO Zozzaro pulled § 87(2)(b) outside and punched him twice in the face.

§ 87(2)(b) sustained headaches as a result of the incident. On § 87(2)(b) he went to § 87(2)(b) Hospital. A CAT scan was done and revealed no injury, though § 87(2)(b)'s face was swollen. At the time of the call, § 87(2)(b)'s only remaining injury was headaches.

IAB Call Out Interview (encl. 7B-G)

On April 25, 2011, § 87(2)(b) was interviewed by Sgt. Peter Librati and Sgt. Vincent Tavalaro of IAB at 111-19 167th Street in Queens. His statement was generally consistent with the intake CD, save for the following discrepancies and additional information.

§ 87(2)(b) allowed § 87(2)(b) to use the store phone to call his girlfriend. While he was on the phone, several plainclothes officers entered the store. § 87(2)(b) believed they were there to make a purchase. Approximately four officers were inside and two officers were standing near the doorway. An unidentified fat white male officer tapped § 87(2)(b) on the back and purchased potato chips. § 87(2)(b) confirmed to an officer that § 87(2)(b) had permission to use the phone.

An officer identified through investigation as PO Jeronnie Glanville recorded § 87(2)(b)'s information from the IDs he provided to PO Zozzaro. After PO Zozzaro and § 87(2)(b) discussed § 87(2)(b)'s hair, § 87(2)(b) told PO Zozzaro to see him when he was out of uniform. PO Zozzaro said, "Motherfucker, I'm here right now." PO Zozzaro punched § 87(2)(b) in the face twice. § 87(2)(b) was inconsistent as to whether he was inside or outside the store when he was punched but ultimately stated that he was right in the doorway.

During the incident, § 87(2)(b) was frisked and searched. No further details were provided.

On April 22, 2011, § 87(2)(b) went to § 87(2)(b) Hospital where he was diagnosed with headaches and frontal trauma and given a prescription for Tylenol. He had not gone to the hospital immediately because he thought the pain would go away.

CCRB Testimony

On April 29, 2011, § 87(2)(b) provided a telephone statement (encl. 8A). § 87(2)(b) was interviewed at the CCRB on May 3, 2011 (encl. 8B-H). His statements to the CCRB were consistent with his statements to IAB with the following additional information. When § 87(2)(b) hung up the store's phone and attempted to leave the location, PO Glanville asked him for

identification and § 87(2)(b) provided both an expired and valid identification. PO Glanville then patted down his coat and his waistband. § 87(2)(b) said, "Why are you searching me?" PO Glanville said, "I'm not searching you, I'm frisking you." PO Glanville recorded § 87(2)(b)'s name. § 87(2)(b) recognized an officer identified through investigation as PO Jason Zummo from a previous interaction. § 87(2)(b) stated, "This officer, he knows me already." PO Zummo told § 87(2)(b) "Shut the fuck up."

PO Zozzaro said, "You know what? You should cut your hair." § 87(2)(b) replied, "You're mad 'cause your hair can't get like this. Holler at me when you're out of your uniform." PO Zozzaro replied, "I'm right here, right now motherfucker." PO Zozzaro grabbed § 87(2)(b)'s left arm and pulled him. PO Zozzaro punched § 87(2)(b) on the right side of his head. PO Zozzaro pushed § 87(2)(b) out of the store by the arm and punched § 87(2)(b) a second time on the right side of his head. § 87(2)(b) was not arrested or issued a summons. He was not searched.

As the officers drove off, § 87(2)(b) heard the unidentified fat white male officer say, "Motherfucking..."; he did not hear the entire statement.

§ 87(2)(b) described PO Glanville as a black male who stood 5'3" tall, had some facial hair, and was 31 years old. He described PO Zozzaro as a white male who stood 6'3" tall with a blond Mohawk who was in his early twenties. He described PO Zummo as a white male who stood 6'3" tall with a medium build with brown slicked back hair. He described the unidentified officer as a heavyset white male who stood 5'11" tall and had receding gray and black hair. He was unable to describe the other officers present other than that they were white male officers in plainclothes.

On June 13, 2011, § 87(2)(b) scheduled an appointment to view photos for June 16, 2011, which he subsequently rescheduled for June 22, 2011. On June 22, 2011, § 87(2)(b) rescheduled for June 23, 2011 and then failed to appear and did not call to cancel or reschedule. On August 30, 2011, § 87(2)(b) scheduled another appointment to view photos for September 2, 2011 for which he failed to appear or call to cancel or reschedule.

Witness: § 87(2)(b)

- § 87(2)(b) is the § 87(2)(b).

Statement to IAB (encl. 9A-B)

On April 25, 2011, § 87(2)(b) provided a statement to Sgt. Libranti of IAB. He stated that on April 20, 2011, at 10:30 p.m., § 87(2)(b) used the telephone at Sunshine Deli at 111-08 Merrick Boulevard in Queens with § 87(2)(b)'s permission. Three plainclothes officers entered the deli; two waited by the door while one bought a bag of chips and a bottle of water. The officer making the purchase tapped § 87(2)(b) on the shoulder so he could pay. § 87(2)(b) hung up the phone and left the store. The officers and § 87(2)(b) did not otherwise interact.

CCRB Testimony (encl. 10)

On June 6, 2011, § 87(2)(b) provided a telephone statement. He stated that between 10:00 p.m. and 10:30 p.m., two uniformed officers entered 111-08 Merrick Boulevard in Queens and bought chips and water. At 11:00 p.m., after the officers had left, § 87(2)(b) entered and stated that he had been assaulted by police officers. § 87(2)(b) did not observe any injuries.

NYPD Statements

Subject Officer: SGT GREG VALLERUGO

- Sgt. Vallerugo, § 87(2)(b) [REDACTED].
- On April 20, 2011, Sgt. Vallerugo worked from 7:30 p.m. to 4:44 a.m. on April 21, 2011. He was assigned as the anti-crime supervisor and was working with PO Glanville and PO [REDACTED].

Zozzaro. He was in plainclothes and assigned to a dark colored Ford 500 sedan.

Memo Book (encl. 16)

Sgt. Vallerugo has no memo book entries regarding this incident.

CCRB Testimony (encl. 17A-B)

On August 25, 2011, Sgt. Greg Vallerugo was interviewed at the CCRB. On April 20, 2011, at approximately 11:00 p.m., Sgt. Vallerugo and the anti-crime team, which consisted of PO Glanville, PO Zozzaro, PO Zummo, PO Lohman, and PO Nozdrovicky, responded to a bodega identified through investigation as Sunshine Deli located at 111-08 Merrick Boulevard in Queens. An off-duty SNEU sergeant, who Sgt. Vallerugo did not identify, called him and relayed that the owner, who was not named, had called and said that there was a male in the deli causing problems. Sgt. Vallerugo had never previously been in Sunshine Deli. Sgt. Vallerugo first stated that he was not provided with any description or identifying information for the male. He later stated that he had been informed that the male was a drug dealer known to sell in front of the store.

Sgt. Vallerugo stood in the doorway and observed § 87(2)(b) holding the store's cordless phone. A store employee was trying to grab the phone from § 87(2)(b). There was no one else in the store. PO Zozzaro quickly walked up to § 87(2)(b) and frisked him. There was no indication upon arriving at the location that § 87(2)(b) was engaging in drug related activity or that he was in possession of a weapon. The only reason the officers believed § 87(2)(b) may have had a weapon is because they did not have much information when they entered the location. Sgt. Vallerugo did not instruct PO Zozzaro to frisk § 87(2)(b).

PO Zozzaro told § 87(2)(b) to leave the location. The store employee did not want to press any charges against § 87(2)(b) though Sgt. Vallerugo stated that § 87(2)(b) could have been arrested for larceny because he was in possession of the store's phone. No officer used profanity.

When asked about the factors listed on the UF250 prepared by PO Zozzaro, Sgt. Vallerugo indicated that "actions indicative of casing" may have been that § 87(2)(b) was holding the store's phone, possibly preventing the store owner from calling the police. Common conditions in the area are robberies, burglaries, and felony assaults. He stated that he could not hear the conversation between PO Zozzaro and § 87(2)(b) because he was standing in the doorway that faces Merrick Boulevard, which is a very busy, noisy street, and therefore could not say anything regarding any false or inconsistent answers § 87(2)(b) may have provided. He did not know whether § 87(2)(b)'s ID was obtained.

Subject Officer: PO JAMES ZOZZARO

- PO Zozzaro, § 87(2)(b) [REDACTED].
- On April 20, 2011, PO Zozzaro worked from 7:30 p.m. to 4:05 a.m. on April 21, 2011. He was assigned to anti-crime with Sgt. Vallerugo and PO Glanville. They were in plainclothes and assigned to an unmarked black Ford 500 sedan.

Memo Book (encl. 11A-B)

In his memo book, PO Zozzaro noted that at 11:20 p.m., he stopped § 87(2)(b) at 111th Avenue and Merrick Boulevard on suspicion of robbery and a UF 250 was prepared.

UF 250 (encl. 12A-C)

PO Zozzaro noted that on April 20, 2011, at 11:20 p.m. § 87(2)(b) was stopped on suspicion of robbery after having been observed inside a deli at 111th Avenue and Merrick Boulevard for two minutes. PO Zozzaro observed § 87(2)(b) engaging in actions indicative of

casing, which lead to the stop. He was frisked because a violent crime was suspected. Additional factors noted were a report from a victim or witness, the area having high incidence of reported offense under investigation, and evasive, false, or inconsistent response to officers' questions. PO Zozzaro also noted that force was used in that an officer put his hands on § 87(2)(b)

CCRB Testimony (encl. 13A-B)

On July 26, 2011, PO Zozzaro was interviewed at the CCRB. His statement was generally consistent with Sgt. Vallerugo's save for the following discrepancies and additional information. An unknown employee or owner of the deli had called the SNEU sergeant, whose identity PO Zozzaro did not know, and stated that there was a tall, slim, black male possibly selling drugs in the deli. The SNEU sergeant had then called Sgt. Vallerugo.

When the officers entered the deli, § 87(2)(b) was near the counter using the store's phone. The store employee had a facial expression that PO Zozzaro knew from experience meant that the employee did not want § 87(2)(b) in the store. PO Zozzaro did not know if the store employee that was present was the one who called the SNEU sergeant. One of PO Zozzaro's partners first spoke with § 87(2)(b) PO Zozzaro approached § 87(2)(b) and pushed him out of the store with both hands when § 87(2)(b) refused to leave. PO Zozzaro did not remember if his hand was open or where on § 87(2)(b)'s body he made physical contact. His hands may have made contact with § 87(2)(b)'s face. He did not remember if he punched § 87(2)(b). No other officer made physical contact with § 87(2)(b). PO Zozzaro did not remember if he or any officer used the word "fuck" or "motherfucker."

At some point, PO Zozzaro frisked § 87(2)(b). PO Zozzaro could not remember whether they were inside or outside when he performed the frisk. § 87(2)(b) was frisked because he may have been casing the deli in order to rob it and for the officers' and § 87(2)(b)'s safety. PO Zozzaro did not remember what § 87(2)(b) was doing that was indicative of casing. Robberies of banks and delis on Merrick Boulevard, gun-point robberies, and weapons possession are precinct conditions. § 87(2)(b) turned toward the officers and became combative when asked to leave, which was the only indication he gave to PO Zozzaro that he might be a physical danger to the officers, though PO Zozzaro stated that he did not have any other reason to believe that § 87(2)(b) had a weapon or was a danger to the officers. PO Zozzaro did not remember if he obtained § 87(2)(b)'s ID but remembered that § 87(2)(b) was not cooperative when asked to provide it.

Subject Officer: PO JERONNIE GLANVILLE

- *PO Glanville, § 87(2)(b)*
- *On April 20, 2011, PO Glanville worked from 7:00 p.m. to 4:05 a.m. on April 21, 2011. He was assigned to anti-crime with PO Zozzaro and Sgt. Vallerugo. They were in plainclothes and had unmarked vehicle number 794.*

Memo Book (encl. 14A-B)

PO Glanville does not have any memo book entries regarding the incident.

CCRB Testimony (encl. 15A-B)

On July 27, 2011, PO Glanville was interviewed at the CCRB. His statement was generally consistent with PO Zozzaro's testimony save for the following discrepancies and additional information. PO Glanville did not receive a description of the male who was allegedly selling drugs at the deli and there was no indication that there were weapons involved. When they arrived at the deli, the clerk looked at the officers with a facial expression that indicated that he wanted § 87(2)(b) out of the store. The officers asked § 87(2)(b) for ID and § 87(2)(b) refused to provide any.

§ 87(2)(b) became loud and belligerent and stated that he would not leave. § 87(2)(b) moved toward PO Zozzaro, which PO Glanville described as “getting in his face,” and PO Zozzaro pushed him out of the store with open hands. PO Glanville did not follow; he exited the store once their interaction was over. PO Glanville did not see any officer punch § 87(2)(b). No officer used profanity. He believed that § 87(2)(b) may have had a weapon because he stepped toward PO Zozzaro. Officers also are particularly wary of weapons when responding to drug calls. PO Glanville did not recall if there were any bulges on § 87(2)(b)'s person.

Subject Officer: PO JASON ZUMMO

- *PO Zummo, § 87(2)(b)*.
- *On April 20, 2011, PO Zummo worked from 7:30 p.m. to 4:05 a.m. on April 21, 2011. He was assigned to anti-crime with PO Lohman. He was in plainclothes and was assigned to an unmarked Chevy Impala.*

Memo Book (encl. 18A-B)

PO Zummo does not have any entries in his memo book regarding this incident.

CCRB Testimony (encl. 19A-B)

On July 27, 2011, PO Zummo was interviewed at the CCRB. PO Zummo stated that the supervisor who called Sgt. Vallerugo did not provide any description of the individual but stated that he was selling drugs. PO Zozzaro pushed § 87(2)(b) out of the store, but PO Zummo did not recall PO Zozzaro's exact actions. PO Zummo did not see PO Zozzaro punch § 87(2)(b). PO Zummo did not use any profanity and did not recall if the other officers used any profanity. There was no indication that § 87(2)(b) had a weapon. The only thing that may have made an officer fear for his safety was that § 87(2)(b) stepped within an arm's length of PO Zozzaro when PO Zozzaro told him to leave.

Witness Officer: PO AARON LOHMAN

- *PO Lohman, § 87(2)(b)*.
- *On April 20, 2011, PO Lohman worked from 7:30 p.m. to 4:05 a.m. on April 21, 2011. He was assigned to anti-crime with PO Zummo. He was in plainclothes and in an unmarked RMP 216, a blue Crown Victoria.*

Memo Book (encl. 20A-C)

PO Lohman does not have any memo book entries regarding this incident.

CCRB Testimony (encl. 21A-B)

On August 25, 2011, PO Lohman was interviewed at the CCRB. His statement contained the following discrepancies and additional information from the other officers' statements. PO Lohman had not received a description of the individual for whom they were looking. PO Lohman walked past § 87(2)(b) and went to the drink cooler five or six feet further into the store. He believed the other officers had the situation under control. No profanity was used by any officer.

PO Zozzaro put his hands on § 87(2)(b)'s upper body to lead him out of the store. PO Lohman exited forty-five seconds later. PO Lohman did not see PO Zozzaro or any officer punch § 87(2)(b). PO Lohman did not see any officer frisk § 87(2)(b). PO Lohman did not see any bulge or anything that made him fear for his safety or believe that § 87(2)(b) had a weapon. There was no indication that § 87(2)(b) was engaging in or about to engage in a crime. PO Lohman did not interact with § 87(2)(b) or the store owner.

§ 87(2)(b) **Hospital** (encl. 22A-S)

NYPD Documents

PO Zummo's pedigree information shows that he is a § 87(2)(b)

Sgt. Vallerugo's pedigree information shows that he is a § 87(2)(b)

PO Lohman's pedigree information shows that he is a § 87(2)(b)

Roll Call indicates that PO Nozdrovicky was not on the anti-crime team on April 20, 2011.

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 25, 2012 with regard to the incident (encl. 25).

§ 87(2)(c), § 87(2)(b)

A horizontal bar chart titled 'Percentage of respondents who have been in a romantic relationship in the past 12 months, broken down by gender and age group'. The y-axis lists age groups: 18-24, 25-34, 35-44, 45-54, 55-64, 65-74, and 75+. The x-axis represents the percentage from 0% to 100%. For each age group, there are two bars: a blue bar for 'Male' and a red bar for 'Female'. The data shows that in the 18-24 age group, 95% of males and 90% of females have been in a romantic relationship. This percentage generally decreases as age increases, with the lowest rates seen in the 75+ age group (20% for males and 10% for females).

| Age Group | Male (%) | Female (%) |
|-----------|----------|------------|
| 18-24 | 95 | 90 |
| 25-34 | 85 | 80 |
| 35-44 | 75 | 70 |
| 45-54 | 65 | 60 |
| 55-64 | 55 | 50 |
| 65-74 | 45 | 40 |
| 75+ | 20 | 10 |

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).

- Sgt. Vallerugo has been a member of the service for 11 years and there are 2 substantiated CCRB allegations against him (encl. 2A).
 - In case number 201104848, allegations of a stop and a search were substantiated and

charges were recommended. No NYPD disposition is noted.

- PO Zozzaro has been a member of the service for 5 years and there are no substantiated CCRB allegations against him (encl. 2B-C).
- PO Zummo has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. 2D-E).
- PO Glanville has been a member of the service for 5 years and there are no substantiated CCRB allegations against him (encl. 2F).
- PO Lohman has been a member of the service for 5 years and there are 2 substantiated CCRB allegations against him (encl. 2G-H).
 - In case number 200908337, two allegations of force were substantiated against PO Lohman which the NYPD declined to prosecute.

Conclusion

Identification of Subject Officers

Sgt. Vallerugo identified himself as the supervisor of the anti-crime team and as being present on the scene. Therefore, allegations A and B are being pleaded against him.

PO Zozzaro admitted to frisking § 87(2)(b) pushing him out of the location, and further stated that he was the only officer to make physical contact with him. Therefore, allegations D and E are being pleaded against him.

§ 87(2)(b) described the subject of allegation C as a white male who stood 6'3" tall, had a medium build, and brown hair and as an officer with whom he had previously interacted. § 87(2)(b)'s description of the subject of allegation C is consistent with PO Zummo and court records indicate that PO Zummo had previously summonsed § 87(2)(b) (encl. 26P). Therefore allegation C is being pleaded against PO Zummo.

§ 87(2)(b) described the subject of allegation F as a heavyset white male who stood 5'11" tall and had receding grey and black hair who was the first to enter the store and who had a silver badge. This description is insufficient to determine which officer is the subject of this allegation.

§ 87(2)(b) missed several appointment to view photos and identify the subject officer. The investigation could not resolve who the subject of allegation F is without § 87(2)(b) viewing photos. Therefore, allegation F is being pleaded against "an officer" from the 113th Precinct.

Investigation Findings and Recommendations

Allegation A: Sgt. Greg Vallerugo supervised the stop of § 87(2)(b)

Allegation B: Sgt. Greg Vallerugo supervised the frisk of § 87(2)(b)

§ 87(2)(b) alleged that six officers, including Sgt. Vallerugo, stopped him inside 111-08 Merrick Boulevard in Queens. It is undisputed that he was on the store's phone when the officers entered. Sgt. Vallerugo admitted that § 87(2)(b) was stopped, stating that it was based on a call he received from an unnamed off-duty sergeant. Each officer provided a different account of the information that was relayed by the off-duty sergeant. PO Zozzaro stated Sgt. Vallerugo was given a description of a tall slim black male, while Sgt. Vallerugo, who took the call, initially stated that he was not given a description, only that there was a male that a store employee did not want in the store. He later stated that he was told that the male was a known drug dealer. PO Glanville, PO Zozzaro, and PO Zummo all stated that they were informed that the male was selling drugs. Though the majority of the officers concurred that the complaint they were investigating was based on drugs, PO Zozzaro noted in the UF 250 that § 87(2)(b) was stopped for robbery based on a report from a victim or witness.

The officers and § 87(2)(b) all state that the only other civilian in the store was § 87(2)(b) the store clerk. The officers are consistent in their statements that § 87(2)(b) had a facial expression

§ 87(2)(b) alleged that PO Zummo said, “Shut the fuck up,” and PO Zozzaro said, “I’m right here, right now, motherfucker.” All officers denied making these statements, using any profanity, and hearing any profanity used by another officer. PO Zummo and PO Zozzaro specifically denied using any profanity. In a telephone statement to the CCRB, § 87(2)(b) the store employee, did not recall the two uniformed officers he saw and § 87(2)(b) being in the store at the same time, though he told IAB that three plainclothes officers and § 87(2)(b) were. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation E: PO James Zozzaro used physical force against § 87(2)(b)

It is not disputed that PO Zozzaro pushed § 87(2)(b) out of the deli. § 87(2)(b) alleged that PO Zozzaro punched him in the face twice, once inside the deli and once outside. He stated that he went to the hospital two days later when the headaches did not go away. His medical records confirm that he was diagnosed with right frontal head trauma. He was consistent in his statements to medical personnel that his injuries had been caused when a police officer assaulted him.

PO Zozzaro stated that he did not remember punching § 87(2)(b) in the face but that he did push § 87(2)(b) out of the store and in the process may have made contact with his face. He also did not recall whether his hand was open or closed in a fist. Though PO Glanville stated that § 87(2)(b) first moved toward PO Zozzaro, PO Zozzaro stated that he first approached and pushed § 87(2)(b) when he refused to leave the store.

It remains in dispute whether § 87(2)(b) was punched, though PO Zozzaro did not deny that he had, but there is no dispute that some force was used. PO Zozzaro stated that his intention was to remove § 87(2)(b) from the store. § 87(2)(g)

§ 87(2)(b)

An officer must use the minimal force necessary to conduct his legitimate police actions. Patrol Guide, Section 203-11 (encl. 1D-E). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation F: An officer spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that an unidentified officer made a statement including the word “motherfucker.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: 5

Investigator: _____ Jacqueline Levy _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date